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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,968	05/30/2000	Tai-Her Yang	BEU/YANG/1085RE	1128

7590 08/05/2003  
Benjamin E Urcia  
Bacon & Thomas  
625 Slaters Lane 4th Floor  
Alexandria, VA 22314

EXAMINER

WRIGHT, DIRK

ART UNIT PAPER NUMBER

3681

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/580,968

Applicant(s)

YANG, TAI-HER

Examiner

Dirk Wright

Art Unit

3681

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may **only** be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a)  The period for reply expires 3 months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
- 2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

- 3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
- 4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 5.  The a)  affidavit, b)  exhibit, or c)  request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
- 6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- 7.  For purposes of Appeal, the proposed amendment(s) a)  will not be entered or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

- 8.  The proposed drawing correction filed on 25 July 2003 is a)  approved or b)  disapproved by the Examiner.
- 9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
- 10.  Other: \_\_\_\_\_

  
Dirk Wright  
Primary Examiner  
Art Unit: 3681

Continuation of 2. NOTE: While the proposed changes are more schematic in nature than any of the previously proposed drawings, they still show features that are not explicitly stated in the written portion of the specification. The electric machine M101 is shown as being coaxial with shafts S101 and the input shaft to differential GB101. The description in column 3, lines 39-55 merely state that clutch CL104 connects the rotor of the machine to gearbox GB101. The field of the machine M101 is stated as merely being coupled with the transmission middle shaft S101. The feature of the machine M101 having shafts coaxial with other shafts in the drivetrain does not appear to be supported by the specification. It appears that applicant should amend the original drawings by reading the literal words from the specification and ignoring the drawings that were originally intended to be in this application.

Applicant states that clutch CL101 is essential material on page 2 of his Request for Reconsideration, filed 25 July 2003 because it is claimed. However, the clutch does not appear to be recited in the original patent claims. The clutch is first described in the specification at column 3, lines 56-60. Applicant is correct in stating that this clutch does not appear in the original drawings. However, the Amended Drawings do not show clutch CL101 as connecting the field and rotor of the electric machine and are therefore incorrect.

Applicant further states on page 2 of his Request that U101 and B103 were shown in the original drawings, but that they were not described in the specification. This appears to be correct, yet U101 is recited in claims 16 and 17. However, deleting these two items would not only make claims 16 and 17 indefinite, it would also add new matter to delete existing essential subject matter.

Applicant's statement that the other features recited on page 2 as requiring illustration, including a rotational field structure, field windings, et al. is not found persuasive because the description of M101 in column 3, lines 39-55, and column 4, lines 17-27, recites these items as merely suggested possible configurations for the electric machine M101. Further, the features recited are mutually exclusive, and therefore no single depiction could possibly show all of the written features of the electric machine M101. The machine should be shown only as a mere box with the label M101 in order to accommodate all variations in the written specification. .